United Nations CAT/C/JOR/QPR/4

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
13 June 2018

Original: English
English, French and Spanish only

Committee against Torture

List of issues prior to submission of the fourth periodic report of Jordan*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

Follow-up questions from the previous reporting cycle

1. In its previous concluding observations (see CAT/C/JOR/CO/3, para. 51),[1] the Committee requested the State party to provide further information regarding areas of particular concern identified by the Committee concerning fundamental legal safeguards, administrative detention, special courts and coerced confessions (paras. 18, 22, 38 and 50). The Committee regrets that the State party has not yet submitted a follow-up report, which was due on 9 December 2016.

Articles 1 and 4

2. With reference to the Committee's previous concluding observations (para. 10), please provide updated information on steps taken to bring the definition of torture set out in article 208 of the Penal Code into line with article 1 of the Convention, and to ensure that acts of torture are considered a criminal offence, not a misdemeanour. Please indicate whether the Penal Code has been amended to include a provision explicitly stating that acts of torture are not subject to either amnesty or statutes of limitations.[2] Please indicate whether the State party intends to increase the maximum three-year punishment for acts of torture, to be fully in line with article 4 of the Convention. Please report on measures adopted to extend punishment for torture to anyone who attempts to commit torture, or who instigates, consents to or acquiesces to the commission of such acts.

Article 2[3]

3. In the light of the Committee's previous concluding observations (para. 12), please provide information on measures taken to ensure that the prohibition of torture is absolute

* Adopted by the Committee at its sixty-third session (23 April–18 May 2018).

[1] Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

[2] See CCPR/C/JOR/CO/5, para. 17.

[3] The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

GE.18-09731(E)
1809731

Please recycle

and non-derogable, including in the context of antiterrorism measures, and that any exceptional circumstances or an order from a superior officer may not be invoked as a justification of torture. Please explain what safeguards are in place to protect an officer who refuses to carry out an illegal order given by a superior officer.

4. With reference to the previous concluding observations (para. 18), please report on measures to guarantee that all detained persons, including those held in facilities of the General Intelligence Directorate and the Public Security Directorate, are afforded, in law and in practice, all fundamental legal safeguards from the outset of their deprivation of liberty, including the right to:

(a) Be informed orally and in writing of the charges against them and of their rights in a language they understand;

(b) Promptly access a lawyer or free legal aid;

(c) Immediately request and receive a medical examination by an independent doctor;

(d) Inform a family member or any other persons of their own choice about their deprivation of liberty immediately after apprehension;

(e) Be brought before a judge within 24 hours.

5. Please provide detailed information on the implementation of the recently passed criminal justice reform, including with regard to the provision of free legal assistance, as proposed by the Royal Committee for Developing the Judiciary and Enhancing the Rule of Law. Please indicate whether the reform revises articles 63 (2) and 64 (3) of the Code of Criminal Procedure with a view to guaranteeing the right to legal counsel even "in case of urgency" and whether it repeals article 66 (1) of the same Code that provides for the prohibition of communication between a detainee and a lawyer (para. 17).

6. Please comment on reports that authorities have used the practice of transferring suspects to the State Security Court or to a different police station in order to extend the 24-hour limit for investigation prior to notification. Please report on measures in place to guarantee full confidentiality for lawyer-client consultations in lawyers' rooms at detention facilities. Please describe training and awareness-raising programmes provided to law enforcement officers on fundamental safeguards against torture and ill-treatment.

7. With reference to the previous concluding observations (para. 20), please indicate whether pretrial detainees are separated from convicted prisoners at all facilities. Please report on measures taken to reduce the number of pretrial detainees, including by using non-custodial measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Please indicate steps taken to reduce the judicial backlog, which reportedly adds to the problem of pretrial detention.

8. In the light of the previous concluding observations (para. 22), please provide information on steps taken to amend or repeal the Crimes Prevention Act (1954) with a view to abolishing the practice of administrative detention.[4] Please indicate any efforts made to provide for routine judicial review of administrative detentions and to include an explicit provision that entitles victims of arbitrary or unlawful detention to redress. Please describe procedural safeguards available to persons in administrative detention, including the right to appeal the legality of their detention before an independent court.[5] Please provide statistical information on the number of persons currently in administrative detention, including the duration and causes of their detention.

9. With reference to the previous concluding observations (para. 32), please provide information on the allocation of financial and human resources[6] to enable the National Centre for Human Rights to function in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris

[4] See CCPR/C/JOR/CO/5, para. 19.

[5] Ibid.

[6] See CERD/C/JOR/CO/18-20, para. 6; and CCPR/C/JOR/CO/5, para. 6.

Principles). Please describe efforts made to implement the recommendations made by the Global Alliance of National Human Rights Institutions Subcommittee on Accreditation with regard to the selection, appointment and dismissal process, the voting rights for parliamentarians and the approval requirement for external funding. Please indicate whether the National Centre for Human Rights is able to make unannounced visits to all detention facilities, particularly those of the General Intelligence Directorate, and provide details about its visits to facilities of the General Intelligence Directorate. Please describe measures taken to ensure that the National Centre for Human Rights investigates and acts on complaints without undue pressure or reprisals, indicating the number and types of complaints of torture and ill-treatment received and the outcome thereof. Please include information on the mechanism in place to ensure the effective implementation of recommendations made by the National Centre for Human Rights.

10. With reference to the Committee's previous concluding observations (paras. 30 and 36) and those of the Human Rights Committee (see CCPR/C/JOR/CO/5, para. 13), please describe steps taken to review and amend the Anti-Terrorism Law of 2006, particularly the vague definition of terrorist acts, with a view to bringing it into line with international standards. Please indicate whether the State party intends to transfer cases under this law from the State Security Court to the regular courts.[7] Please explain what procedural safeguards[8] are available against arbitrary arrest and detention under this law, and report on the status of the case of Amjad Qourshah, who was detained and charged under this law.

11. In the light of the previous concluding observations (para. 38), please report on steps taken to transfer the jurisdiction over the personnel of the Public Security Directorate to the regular courts so that alleged perpetrators of torture and ill-treatment can be prosecuted through the regular civil courts. Please indicate efforts made to replace the special court system, such as the Special Police Court and the Military Tribunal of the General Intelligence Directorate, by a regular court system that fully guarantees independence and impartiality, in accordance with the Convention and other international fair trial standards.[9]

12. Further to the previous concluding observations (para. 40), please provide information on the measures taken to combat all forms of violence against women, particularly with regard to cases that involve the actions or omissions of State authorities or others, that engage the State party's international responsibility in accordance with the Convention. Please report on the implementation of the National Framework for Family Protection against Violence and the National Strategy to Combat Violence against Women (2014–2017).[10] Please indicate steps taken to amend articles 292 and 340 of the Penal Code with a view to criminalizing marital rape and eliminating a mitigating factor in punishing perpetrators of violence against women.[11] Please provide additional information on:

(a) Steps taken to abolish the practice of administrative detention or protective custody of women and girls at risk of becoming victims of violence, especially domestic violence in the name of honour;[12]

(b) Protection and support mechanisms in place for victims of violence against women, including urgent protection measures, legal and medical assistance, shelters and psychosocial counselling, in particular in rural areas;[13]

(c) Measures adopted to encourage victims to report their cases and on training provided to law enforcement and judicial officials, social workers and doctors on identifying, investigating and prosecuting cases of violence against women and protecting victims;[14]

---

[7] See CCPR/C/JOR/CO/5, para. 13.
[8] Ibid.
[9] See CCPR/C/JOR/CO/4, para. 12.
[10] See CEDAW/C/JOR/CO/6, para. 5.
[11] See CCPR/C/JOR/CO/5, para. 10.
[12] See CEDAW/C/JOR/CO/6, paras. 33–34; and CCPR/C/JOR/CO/5, para. 11.
[13] See CEDAW/C/JOR/CO/6, para. 31.
[14] See CCPR/C/JOR/CO/5, para. 11; and CEDAW/C/JOR/CO/6, para. 32.

(d) Statistical data on the number of victims, complaints, investigations, prosecutions, convictions and sentences imposed in cases of violence against women.[15]

13. Please provide up-to-date statistical information on the number of complaints, investigations, prosecutions, convictions and sentences in relation to cases of human trafficking during the reporting period. Please also provide information on:

(a) Any new legislation or national strategy adopted to prevent and combat human trafficking, and on the current status of draft amendments to the Penal Code relating to trafficking, which were submitted for review by the Prime Minister in January 2017;

(b) Measures adopted to ensure prompt identification and referral of victims of trafficking to the appropriate authorities, including among refugees and women domestic workers, and the provision of effective remedies and repatriation;[16]

(c) Specialized training provided to law enforcement officials, asylum and immigration officers and labour inspectors on proactively identifying trafficking victims, particularly among migrant workers, refugees and asylum seekers;[17]

(d) Any initiative to strengthen regional cooperation to combat human trafficking.

14. With reference to the previous concluding observations (para. 46), please indicate measures adopted to combat abuse of migrant workers, especially migrant domestic workers.[18] Please report on the State party's response to alleged cases of physical and mental abuse experienced by migrant domestic workers, such as beatings, sleeping on kitchen floors or balconies and being pushed off of apartment balconies.[19] Please indicate measures adopted to ensure that migrant domestic workers who report such cases of abuse to the police are provided adequate protection and are neither detained nor deported.[20] Please include information on the number of complaints, investigations, prosecutions, convictions and sentences in relation to abuses of and violence committed against migrant workers.

Article 3

15. In the light of the Committee's previous concluding observations (para. 14), please indicate efforts made to prevent refoulement, including collective expulsion, in order to be in full compliance with article 3 of the Convention. Please report on steps taken to adopt a comprehensive law on asylum and ensure a prompt and fair individualized asylum determination procedure. Provide information on any steps taken to:

(a) Ensure that all asylum seekers are afforded procedural safeguards, including free legal aid and interpretation services at all stages of the asylum procedure;

(b) Provide refugees and asylum seekers with adequate access to food, water and health services, and to improve living conditions in refugee camps, including in the Rukban camp on the Jordanian-Syrian border;[21]

(c) Identify and refer to the appropriate authorities vulnerable asylum seekers who are victims of torture or trafficking and those who are at a heightened risk of abuses, including labour and sexual exploitation;[22]

(d) Ratify relevant international conventions, including the 1951 Convention relating to the Status of Refugees.

16. Please comment on reports of the State party's refusal to accept further asylum applications, in particular from Syrians, deportation of Syrian refugees, including the

[15] See CEDAW/C/JOR/CO/6, para. 31.
[16] See CAT/C/JOR/CO/3, para. 36; and CEDAW/C/JOR/CO/6, para. 35.
[17] See A/HRC/32/41/Add.1, paras. 9–11 and 90.
[18] Ibid., para. 14.
[19] Ibid., para. 13.
[20] Ibid., para. 15.
[21] See CCPR/C/JOR/CO/5, para. 24.
[22] See CCPR/C/JOR/CO/5, para. 24; and CEDAW/C/JOR/CO/6, para. 11.

collective expulsion of families, and the forcible return of Palestinian refugees to the Syrian Arab Republic.[23] Please provide detailed information on the current situation of refugees in the Rukban camp, particularly after the border closure in June 2017, which has reportedly impeded humanitarian access to refugees.[24] Please also provide information on the current and intended use of closed reception and holding facilities, such as the King Abdullah Park facility near Ramtha for persons fleeing the conflict in the Syrian Arab Republic, particularly Palestinian refugees.

17. Please provide the Committee with the following information, disaggregated by sex, age and country of origin of the asylum applicant, on:

(a) The number of asylum applications received, the number of successful applications and the number of asylum seekers whose applications were accepted because they had been tortured or might be subject to torture if returned to their country of origin;

(b) The number of persons who were returned, extradited or expelled and the grounds of the return, including the list of countries to which they were returned;

(c) The type of existing appeal mechanisms, the number of appeals made and the outcome of those appeals.

18. Please indicate the number of refoulements, extraditions and expulsions carried out during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, and also any instances in which the State party has offered such diplomatic assurances or guarantees. What are the minimum contents of such assurances, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring?

19. With reference to the previous concluding observations (para. 16), please indicate measures taken to prevent the arbitrary revocation of citizenship or withdrawal of national identification numbers from Jordanians of Palestinian origin.[25] Please report on any efforts made to restore nationality to those affected. Please explain what legal safeguards are in place to protect the rights of the persons concerned, including the right to challenge the revocation decision before a competent authority.

Articles 5–9

20. Since the State party's previous report was considered by the Committee, please indicate whether the State party has rejected, for any reason, the request of a State for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of such proceedings. Please inform the Committee of any new extradition treaties concluded with other States parties.

Article 10

21. With reference to the previous concluding observations (para. 42), please provide information on training provided to ensure that all law enforcement officials, prison staff, border guards and other public officials are fully aware of the provisions of the Convention, including on the absolute prohibition of torture. Please provide information on the methodology used to assess the effectiveness of training and educational programmes in reducing cases of torture and ill-treatment.

22. Please clarify whether training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) is being provided to medical personnel and other law enforcement and judicial officials who deal with detainees and asylum seekers and are involved in the investigation and documentation of cases of torture. Please indicate whether

[23] See CCPR/C/JOR/CO/5, para. 24.
[24] See CEDAW/C/JOR/CO/6, para. 11.
[25] See CCPR/C/JOR/CO/5, para. 24; and CEDAW/C/JOR/CO/6, para. 11.

the training is regular and compulsory, the overall size of the target group and the percentage of those trained during the period under review.

Article 11

23. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices or arrangements for custody that may have been introduced since the consideration of the previous periodic report. Please indicate the frequency with which they are reviewed.

24. Please provide updated information on the draft law on juvenile justice and indicate whether specialized juvenile courts have been established.[26] Please specify whether the minimum age of criminal responsibility has been raised from 7 years, in accordance with the recommendations made by the Committee on the Rights of the Child (see CRC/C/JOR/CO/4-5, para. 64).

25. With reference to the previous concluding observations (para. 44), please provide information on measures taken to fully comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and in particular steps taken to:

(a) Reduce prison overcrowding, particularly at prisons in and around Amman;

(b) Improve the material conditions, including sanitation and ventilation, of six older prisons;

(c) Renovate the Jweideh prison in accordance with the recommendation by the National Centre for Human Rights;

(d) Afford all persons deprived of liberty access to medical care, including mental health care, and enhance the quality of medical facilities, supplies and staff;

(e) Install and utilize audiovisual equipment for monitoring interrogation rooms.

26. Please provide statistical data on the number of pretrial detainees, convicted prisoners and persons deprived of their liberty in psychiatric hospitals and other institutions for persons with mental or physical disabilities and the occupancy rate of all places of detention.

27. In the light of the previous concluding observations (para. 26), please indicate measures taken to prevent incidents of death, suicide, attempted suicide and inter-prisoner violence in custody. Please report on steps taken to ensure prompt investigation into these cases, prosecution and punishment of perpetrators, indicating the number of investigations into cases of deaths in custody and the outcomes thereof. Please provide statistical data on deaths, suicides, attempted suicides and inter-prisoner violence in custody. Please provide updates on pending cases of deaths in custody, including that of Sultan Alkhatatbi who died in Jandawil detention facility in 2013.[27]

Articles 12–13

28. In the light of the Committee's previous concluding observations (para. 24), please indicate steps taken to place all State security departments, particularly the General Intelligence Directorate, under civilian authority and oversight, and to amend relevant laws to give jurisdiction over torture cases to regular courts to ensure that such cases are impartially investigated and perpetrators are brought to justice. Please provide annual statistical data on the number of complaints, investigations, prosecutions, convictions and punishments meted out for torture and ill-treatment committed by law enforcement or prison officials, including recent examples of such complaints.

29. With regard to the Committee's previous concluding observations (para. 34), please report on efforts made to guarantee the independence of the existing complaint mechanisms,

[26] See CRC/C/JOR/CO/4-5, paras. 12 and 64.

[27] See CAT/C/JOR/CO/3, para. 25.

such as the Legal Affairs Department and the Grievances and Human Rights Office of the Public Security Directorate, so that there is no hierarchical or institutional link between the alleged perpetrators and the investigators. Please provide information on all steps taken to:

(a) Establish a fully independent body or mechanism to investigate allegations of torture and ill-treatment by law enforcement officials;[28]

(b) Promptly and impartially investigate and prosecute cases of torture and ill-treatment and punish perpetrators with penalties proportionate to the grave nature of their acts;[29]

(c) Ensure that all suspects in prima facie cases of torture and ill-treatment are immediately suspended from duty for the duration of the investigation, indicating the percentage of cases in which suspected public officials were actually suspended;

(d) Protect complainants and victims against reprisals, duly inform them of the progress and results of their complaint and guarantee their right to judicial remedy and participation in proceedings;

(e) Ratify the Optional Protocol to the Convention.

30. Please inform the Committee about the current status or outcome of the following cases of torture and ill-treatment:

(a) The trial of police officers in the Police Court relating to the September 2015 death in detention of 49-year-old Omar al-Nasr;

(b) The case of police officers charged in connection with the beating to death in police custody of Abdullah Zu'bi in Irbid in 2015;

(c) The reported case of beating a group of inmates at the detention facility in Mawaqqar;

(d) The case of Adam al-Natour, a Polish Jordanian who allegedly was tortured by General Intelligence Directorate interrogators during three weeks of incommunicado detention and was convicted based on his forced confession about joining an armed group and terrorist organization.

Article 14

31. In the light of the Committee's previous concluding observations (para. 48) and paragraph 46 of its general comment No. 3 (2012) on the implementation of article 14 by States parties, please provide information on:

(a) Steps taken to include in domestic legislation a provision that explicitly provides for the right of victims of torture and ill-treatment and their families to redress, including fair and adequate compensation and rehabilitation;

(b) The rehabilitation programmes available to victims, including medical and psychological treatment of trauma, and the allocation of adequate resources to ensure the effective functioning of such programmes;

(c) All forms of redress and compensation measures, including the means of rehabilitation, that have been ordered by the courts and actually provided to victims of torture or their families, indicating the number of requests for compensation made, the number granted and the amounts ordered and actually provided in each case.

Article 15

32. In the light of the previous concluding observations (para. 50), please comment on reports that, in practice, evidence and confessions obtained through torture are often admitted, in particular before the State Security Court. Please provide detailed information on examples of cases that have been dismissed by courts owing to the introduction of

[28] See CCPR/C/JOR/CO/5, para. 17.
[29] Ibid.

coerced evidence or testimony, and on the prosecution and punishment of officials who extracted such confessions. Please include information on relevant educational programmes provided to law enforcement and judicial officers.

Article 16

33. Please provide detailed information about the 11 executions carried out in December 2014, ending the State party's eight-year moratorium on the death penalty, and on the 15 executions in March 2017,[30] indicating what the charges were in each case. Please indicate whether the State party plans to declare an official moratorium on the death penalty. Please describe all the procedural safeguards in place to guarantee the protection of the rights of those facing the death penalty.

34. Please describe the measures taken to ensure in law and in practice that corporal punishment of children is unlawful in all settings. Please indicate steps taken to amend the relevant laws, including article 62 of the Penal Code and article 33 of the Juveniles Act (2014), with a view to fully prohibiting corporal punishment.[31] Please provide information on any awareness-raising campaigns and parenting education programmes on the prohibition of corporal punishment.

35. In the light of the Committee's previous concluding observations (para. 28), please indicate measures taken to ensure the protection of journalists and to abstain from excessive use of force and undue obstruction of the professional activities of journalists. Please report on efforts made to investigate all allegations of excessive use of force in dispersing demonstrations by law enforcement officials and prosecute those found guilty. Please provide updated information on the reported cases of arrest and detention of journalists and destruction or confiscation of their equipment during the parliamentary elections on 20 September 2015.

36. Please comment on allegations of ill-treatment and abuse of persons with disabilities in "shelters".[32] Please provide information on steps taken to abolish the reported practice of forced sterilization committed against persons with disabilities, especially women and girls with intellectual and psychosocial disabilities.[33] Please indicate which criminal or civil remedies are available for people who have been subjected to involuntary sterilization.

Other issues

37. Please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that those measures are compatible with its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; how many persons have been convicted under legislation adopted to combat terrorism; what legal safeguards and remedies are available in law and in practice to persons subjected to antiterrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

General information on other measures and developments relating to the implementation of the Convention in the State Party

38. Please provide information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State party's previous report to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources

[30] See CCPR/C/JOR/CO/5, para. 14.
[31] See CRPD/C/JOR/CO/1, para. 34.
[32] *Ibid.*, para. 31.
[33] See CRPD/C/JOR/CO/1, para. 35; and CEDAW/C/JOR/CO/6, para. 53.

allocated and statistical data. Please also provide any other information that the State party considers relevant.